

Notice of Allowability

Application No.

10/036,770

Examiner

Eric Hug

Applicant(s)

RUTHVEN ET AL.

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 18 September 2003.
2. ☒ The allowed claim(s) is/are 69-103 and 112.
3. ☒ The drawings filed on 15 April 2002 and 18 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

Response to Amendment

The following is in response to the amendment filed on September 18, 2003.

Allowable Subject Matter

Claims 69-103 and 112 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 69-89 are allowed, because the prior art does not teach perforating a web with two embossing rolls having a predominate number of embossing elements in the cross-machine direction whereby at least a 15% reduction in the machine direction tensile strength is obtained.

Claims 90-103 are allowed, because the prior art does not disclose or suggest a method of reducing the tensile strength ratio of a web by embossing and perforating with two embossing rolls having a predominate number of embossing elements in the cross-machine direction

Claim 112 is allowed, because the prior art does not teach embossing and perforating a web to reduce the tensile ratio by at least 5% of the difference between the tensile ratio and 1.0.

Response to Arguments

Applicant's arguments regarding rejections based on Schulz (US 5,383,778) are persuasive. After reconsideration, the examiner acknowledges that Schulz does not teach perforating the web, but rather teaches fracturing fibers at the web surface in order to modify the machine direction/cross-machine direction tensile ratio. In fact, Schulz clearly states that a conventional embossing roll is used which has been modified to provide varying depth of embossments and selective fracturing. No perforation takes place in Schulz, thus all rejections set forth previously based on Schulz have been withdrawn.

Regarding the teachings of Schutte et al (US Re. 27,453), Schutte clearly shows in the figures that at least 50% of the embossing elements are oriented in the cross-machine direction. This meets Applicant's definition of "predominant number", which is being 50% or greater. However, since Schutte discloses an equal number of elements oriented in the machine-direction, there is no teaching or expectation that the resulting apertures in the web reduce the tensile ratio.

All other prior art references cited previously or herein teach perforating a web in the machine-direction for the purposes of increasing sheet absorbency or stretch.

Applicant's arguments have also overcome the rejection of claims 69-89 and 100-103 under 35 U.S.C. 112, second paragraph, presented previously. Accordingly, this rejection has been withdrawn.

Drawings

The drawings for Figures 18-20 were received on September 18, 2003. These drawings are acceptable.

Specification

The amendment to the specification removing imbedded figures and including a brief description for Figures 18-20 submitted on September 18, 2003 is acknowledged.

Election/Restrictions

This application is in condition for allowance except for the presence of claims 1-68, 104-111, and 113 drawn to inventions non-elected without traverse. Accordingly, these claims have been cancelled.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hepford et al (US 3,940,529) discloses joining two webs together through mechanical welding and perforating using two embossing rolls.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.


jeh



PETER CHIN
PRIMARY EXAMINER